



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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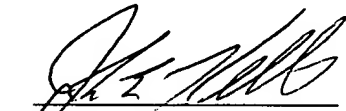
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|---------------------------------------|---|----------------------|
| In re Application of | : | DECISION ON PETITION |
| Gary K. Michelson, M.D. | : | TO WITHDRAW |
| Serial No. : 08/484,928 | : | HOLDING OF |
| Filed : June 7, 1995 | : | ABANDONMENT |
| For : Frusto-Conical Interbody Spinal | : | |
| Fusion Implant | : | |

This is a decision on petitioner's request filed February 14, 2001 to review the holding of abandonment mailed January 29, 2001 for failure to respond to the Office action mailed June 16, 2000. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a response that included a three-month extension of time request, proposed drawing corrections, and an IDS, as well as a copy of a PTO stamped receipt dated December 5, 2000. It is noted that the original response has been found and is now in the file. Any inconvenience is respectfully regretted.

In view of the above, the Notice of Abandonment mailed January 29, 2001 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed December 5, 2000.

Summary: Holding of Abandonment Withdrawn.


John E. Kittle, Director
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